CFPB Authority

Regulator of enumerated Federal consumer financial law – Authority to make rules, supervise and enforce is with regards to Federal consumer financial laws ONLY

Rulemaking (§1022)

- In the Research, Markets & Regulations Division of the CFPB
- All persons that provide Federal consumer financial products and services are subject
- Has exclusive authority
- Must monitor markets.

 To do so, is given
 authority to collect
 information (e.g., require
 reports) and register
 covered persons (but not
 insured banks, cu's, or
 related persons)

<u>Depository Institutions</u> **over** \$10 billion (\$1025)

- Exclusive authority to require reports and conduct examinations
- Is to coordinate activities with Federal and State regulators
- Has primary enforcement authority, other agencies have backup enforcement authority

Supervision and Enforcement

• In the Supervision, Fair Lending & Enforcement Division of the CFPB

<u>Depository Institutions</u> **under** \$10 billion (\$1026)

- May require reports
- May "include examiners on a sampling basis of the examinations performed by the prudential regulator"
- Except for requiring reports, prudential regulator has exclusive enforcement authority

Nondepository Institutions (§1024)

- Must require reports and registration, conduct examinations
- May establish recordkeeping requirements
- Has exclusive rulemaking, examination, enforcement authority
- Has authority over:

Mortgage Market; Payday Lenders; Private Education Lenders The "Larger Participants" of other consumer financial products or services markets

Others (Any covered person that the CFPB has reasonable cause to determine that such person is engaging in conduct that poses risk to consumers with respect to financial products and services)

NOTES:

Enumerated Consumer Laws: AMTPA; Consumer Leasing Act; Electronic Fund Transfer Act (but not Interchange); Equal Credit Opportunity Act; Fair Credit Billing Act; Fair Credit Reporting Act (certain exceptions); Home Owners Protection Act; Fair Debt Collection Practices Act; Certain sections of FDIA; Certain sections of Gramm-Leach-Bliley; HMDA; HOEPA; RESPA; SAFE Act; TILA; Truth in Savings Act; Section 626 of Omnibus Appropriations Act of 2009; Interstate Land Sales Full Disclosure Act

States' Enforcement Authority: Generally, (i) States' AGs may bring civil action in district court to enforce provisions of Title X or its regulations and to secure remedies; (ii) States' regulators may bring civil action or proceeding to enforce provisions of Title X or its regulations wrt entities that are State-chartered, incorporated, licensed or otherwise authorized to do business under State law and to secure remedies. However, States are prohibited from bringing action against national bank or federal savings associations with regard to enforcing Title X (but not its regulations).